

detention and custody.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to United States Magistrate Bruce Howe Hendricks for pretrial handling. The Magistrate Judge reviewed the *pro se* complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act. The Magistrate Judge filed a Report and Recommendation on December 20, 2006. (“Report and Recommendation.”) The Magistrate Judge recommended that the complaint be summarily dismissed without prejudice and without issuance and service of process. The Magistrate Judge found that Plaintiff appeared to have abandoned the medical claims he asserted in the original complaint and that removal under 28 U.S.C. § 1441 was not applicable to criminal cases. Additionally, the Magistrate Judge found that even if Plaintiff’s amended complaint were construed to be a petition for writ of habeas corpus brought under 28 U.S.C. § 2241, that this action should be dismissed without prejudice because Plaintiff failed to exhaust available state remedies.

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. Mathews v. Weber, 423 U.S. 261, 270 (1976). The responsibility for making a final determination remains with this court. Id. The district court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The district court is obligated to conduct a *de novo* review of every portion of the Report to which objections have been filed. Id.

On January 4, 2007, Plaintiff filed objections to the Report and Recommendation. (“Plaintiff’s Objections.”) Plaintiff’s objections generally repeat the allegations asserted in his amended complaint. The court need not conduct a *de novo* review when a party makes only general

and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). After thorough review of the Report and Recommendation, the Plaintiff's Objections, the record in its entirety and examining the applicable law, the court adopts the Report and Recommendation and incorporates it by reference. As such, Plaintiff's amended complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Margaret B. Seymour

Margaret B. Seymour
United States District Court

Columbia, South Carolina
May 8, 2008

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.